

## **REMARKS**

The application includes claims 1-19 prior to entering this amendment.

The examiner objected to claims 3, 6, 12, and 15-19 for informalities.

The examiner rejected claims 1-5, 10-14, and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as the invention.

The examiner rejected claims 1 and 2 under 35 U.S.C. § 102(e) over Josephson (U.S. patent application publication 2003/0213841) as evidenced by Josephson (U.S. Patent 5,783,808).

The examiner rejected claims 3, 6-12, and 15-17 under 35 U.S.C. § 103(a) over Josephson.

The examiner rejected claims 4, 5, 13, 14, 18 and 19 under 35 U.S.C. § 103(a) over Josephson '841 in view of Official Notice.

The applicants amend claims 1-8, 10, 12, 15, and 17 and cancel claims 9, 11, 13-14, 16, and 18-19 without prejudice.

The application remains with claims 1-8, 10, 12, 15, and 17 after entering this amendment.

The applicants do not add new matter and request reconsideration.

## **Claim Objections**

The examiner objected to claims 3, 6, 7, 12, and 15-19 for informalities. The applicants thank the examiner for pointing out the informalities in the claims, and have amended the claims to obviate the examiner's objections.

## **Claim Rejections Under § 112**

The examiner rejected claims 1-5, 10-14, and 19 under 35 U.S.C. § 112, second paragraph. The applicants thank the examiner for pointing out these claim issues, and have amended the claims to obviate the examiner's rejections.

With regard to claims 10-14, the examiner indicated that the specification does not describe explicit structure, material or acts as associated with each particular means

for clause in the claims. The examiner is concerned that this may raise an ambiguity issue. The applicants disagree with the examiner's indications. The specification, which include the claims as originally filed, sufficiently links the means recited and their function to specific structure. For example, figure 5 of the present application describes an environment suitable for implementing the various embodiments of the invention. Moreover, original claim

### **Claim Rejections Under § 102**

The examiner rejected claims 1 and 2 under 35 U.S.C. § 102(e) over Josephson '841 as evidenced by Josephson '808. Rejections under 35 USC 102(e) are valid only if each and every element is expressly or inherently described in a single prior art reference.<sup>1</sup>

Claim 1 recites *a method of preventing financial fraud concerning a check, comprising: receiving, from a payor, identifying information concerning the check; storing the identifying information into a financial instrument database; and honoring the check if verifying information handwritten on the check substantially matches the identifying information stored in the financial instrument database.*

In contrast, the method of Josephson '841 pertains to machine generated checks, not *checks* having *verifying information handwritten on the check*. In particular, '841 involves capturing payee information, such as digital photos of the payee, or his/her employee badge, storing the payee information, and then later having a machine print batches of checks. Each check is printed with photographic or machine-readable (magnetic ink) information of a particular payee encoded on the back.<sup>2</sup> The claims recite *verifying information handwritten on the check* while Josephson '841 requires photographic or machine-readable information concerning the payee or encoded magnetic ink information on its backside. The applicants, therefore, respectfully request that the examiner withdraw the rejection. Since claim 2 depends from claim 1, the

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<sup>1</sup> MPEP §2131, Anticipation - Application of 35 U.S.C. 102(a), (b), and (e).

<sup>2</sup> See Josephson '841 ¶¶ [0031] – [0035].

applicants respectfully request that the examiner likewise withdraw his rejection of claim 2 for at least these reasons.

### **Claim Rejections Under § 103**

The examiner rejected claims 3, 6-12, and 15-17 under 35 U.S.C. § 103(a) over Josephson '841. The applicants have amended independent claims 3

Claim 3 recites *a server configured to ...receive verifying information handwritten on the handwritten personal check from the second source distinct from the first source; compare the verifying information with the identifying information; and honor the handwritten personal check if the verifying information substantially matches the identifying information.* Independent claims 6, 10, and 15 include similar language.

The applicants have substantially similarly amended the remaining independent claims 3, 6, 10, and 15 to include language similar to claim 1. As with claim 1, the amendments should place claims 3-8, 10, 12, 15, and 17 in condition for the examiner's allowance.

### **Conclusion**

For the foregoing reasons, the applicants request reconsideration and allowance of claims 1-8, 10, 12, 15, and 17. The applicants encourage the examiner to call in an interview would further prosecution.

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Respectfully submitted,

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